UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,878	03/22/2001	Karapet Ablabutyan	17793.00600	7381

36614 7590 03/10/2006

MANATT PHELPS AND PHILLIPS
ROBERT D. BECKER
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CA 94304

EXAMINER	
FOX, CHARLES A	
ART UNIT	**PAPER NUMBER**
3652	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,878	ABLABUTYAN, KARAPET	
	Examiner	Art Unit	
	Charles A. Fox	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 January 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Specification

The disclosure is objected to because of the following informalities: Figure 5 has a plurality of hydraulic valves pictured, but they are not identified or described in the specification. They must be given reference numerals and their function explained in detail. It appears that the valve directly to the right of element (102) in figure 5 is a pressure relief valve that will open when the hydraulic pressure passes a predetermined limit. If so this will cause the hydraulic pressure in the system to drop and lower the speed of the device being driven by the hydraulic fluid. This is how this valve is being treated at this time. All hydraulic devices in the drawings should be identified and their function described.

Appropriate correction is required.

Drawings

The drawings are objected to because figure 5 has a plurality of hydraulic valves that are not identified. New drawings showing references numerals for these parts are required. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4,7,8,10-15,21,22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Tomisawa et al. In regards to claims 1-4,7,8,10-12, 14,15,21 and 24-27 the prior art (of figure 1) teaches a lift device comprising:

a movable platform adapted to move from a lower position, a upper position and a stowed position;

said platform is connected to a vehicle via an arm mechanism with a parallelogram structure;

a plurality of sensors for determining the position of the lift device;

wherein said platform is in a substantially horizontal orientation in the lower and upper positions and a substantially vertical orientation in the stowed position;

wherein said platform speed is reduced when placed or taken from the stowed position and is faster in the lower and upper positions;

wherein said platform is a wheelchair lift;

wherein a hydraulic pump with various control valves are arranged to drive the platform a various predetermined speeds. The admitted prior art does not teach adjusting the speed of the platform without using a valve in the hydraulic line. Tomisawa et al. US 5,243,154 teaches a lift device comprising:

a hydraulic lift cylinder (3);

a motor (11) for supplying pressurized fluid to said cylinder;

a speed control device (38) for said motor;

wherein said motor speed is controlled by varying the current to said motor;

wherein said motor speed is adjusted to vary the pressure of fluid to said cylinder and thereby move said lift a varying predetermined speeds without using a valve to control the fluid pressure. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by the admitted prior art with a motor speed control as taught Tomisawa et al. by in order to control the speed of the system without having to use large amounts of energy to use the system, thereby allowing the system to operate using less overall power while maintaining a high degree of control over the operation of the lift device.

In regards to claim 13 the admitted prior art teaches using a solenoid to move the lift from a stowed position as well as causing the lift to move up or down vertically.

Regarding claim 22 the admitted prior art further teaches that the platform may be moved at different speeds based upon its position and it is considered an obvious design choice to move it at any particular speed at a given position. A person of ordinary skill in the art of hydraulic controls such as those found in the admitted prior art would be able to set up the device to run at any operational speed at any point of its travel once those speeds and positions have been determined.

In regards to claim 6 the admitted prior art (figure 6) teaches a lift device for vertically moving a vehicle, said lift having a platform for supporting said vehicle. The prior art does not teach a hydraulic drive motor with an electric control circuit to control the speed of the lift by varying the power to the drive motor. Tomisawa et al. teaches a lift device comprising:

a hydraulic lift cylinder (3);

a motor (11) for supplying pressurized fluid to said cylinder;

a speed control device (38) for said motor;

wherein said motor speed is controlled by varying the current to said motor;

wherein said motor speed is adjusted to vary the pressure of fluid to said cylinder and thereby move said lift a varying predetermined speeds without using a valve to control the fluid pressure. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by the admitted prior art with a motor speed control as taught by Tomisawa et al. in order to control the speed of the

system without having to use large amounts of energy to use the system, thereby allowing the system to operate using less overall power while maintaining a high degree of control over the operation of the lift device.

Claims 5,16,17,18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Tomisawa et al. as applied to claims 1 and 15 above, and further in view of Lassanske. Regarding claims 5,16,17 The admitted prior art and Tomisawa et al. teach the limitations of claim 1 as above, they do not explicitly teach a varying the resistance to the motor to vary its speed. Lassanske US 4,175,632 teaches a device with a hydraulic system comprising:

a variable speed motor(15);

a circuit for said motor (16) that employs variable resistance to change the speed of said motor. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by the admitted prior art with a variable resistance circuit as taught by Lassanske in order to vary the speed of the drive motor and thereby the speed of any device associated with said motor such that the device moves at a preselected speed.

In regards to claim 18 Lassanske further teaches the control circuit for the motor as comprising:

a first switch (18) having a first terminal coupled to a power source (17) and a second terminal connected to a D.C. motor;

a second switch (19) having a first terminal connected to said power supply and a resistor coupled to a second terminal;

said resistor having a terminal connected to said motor.

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the lifting device taught by the prior art with the control circuit taught by Lassanske in order to selectively control the speed of the hydraulic pump thereby allowing the device to operate a varying speeds as needed for safety reasons, and to further control the speed with limit switches as taught by Koeppe, Jr. et al. in order to move the platform at a lower speed at preselected points without resorting to the use of an inordinate amount of limit switches.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Tomisawa et al. as applied to claim 7 above, and further in view of Neagu. The admitted prior art and Tomisawa et al. teach the limitations of claim 7 as above, they do not teach the lift device as being a tailgate type lift. Neagu US 4,836,736 teaches a tailgate type lift (10). It would have been obvious to one of ordinary skill in the art, at the time of invention that the device as taught by the admitted prior art, could be modified to fit work on the tailgate of a vehicle as taught by Neagu in order to allow the device to load and unload a truck in a safe and efficient manner.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Tomisawa et al. and Lassanske as applied to claim 18 above, and further in view of Daggett et al. The admitted prior art, Tomisawa et al. and Lassanske teach the limitations of claim 18 as above, they do not teach additional switched being added to the control circuit to further alter the speed of the DC motor. Daggett et al. US 5,144,211 teaches a drive motor control circuit comprising:

a first (61-1) and a second (61-3) switch for controlling the power thereto ;

a third (61-2) and a forth (61-4) switch connected to the terminal end of said first and second switches;

wherein activation of said third and forth switches causes varying currents through said motor. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the control circuit taught by the admitted prior art with additional switches in order to allow the speed of the motor to be controlled under real time operational conditions.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art and Tomisawa et al. as applied to claim 21 above, and further in view of Koeppe, Jr., et al. The admitted prior art and Tomisawa et al. teach the limitations of claim 21 as above, they do not ecxpressly teach limit switches to control the speed of a motor. Koeppe, Jr., et al. US 5,864,103 teaches a lift device that incorporated a plurality of limit switches (5-9) to control the speed of the lift at various positions in a shaft way. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by the admitted prior art in order to operate the device at speeds that are predetermined to be appropriate at various position of the lift device in order to increase the safety and comfort of a person using the device.

Response to Amendment

The amendment to the claims filed on October 5, 2005 have been entered into the record.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Haner 1989, Masaki 1994 and Nozari 1999.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAF
CAF
3-24-06

EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600